

SECOND: That the respondents, Tyson J. Welty and Ethel Welty Gelwicks are devisees of certain real estate hereinafter more particularly described under the will of J. Bernard Welty, also more particularly hereinafter described, who died a resident of Frederick County, Maryland, on or about December 25, 1957; that the respondents, William Sanders and Ida Sanders, his wife, are the tenants of said real estate devised by the will of J. Bernard Welty to Tyson J. Welty, and the remaining respondents are the remaining heirs of the said Marie Celeste Welty, deceased, (and their respective spouses as indicated in the title to this proceeding).

THIRD: That prior to her death, the said Marie Celeste Welty was the owner in fee simple of two parcels of real estate situate, lying and being in Emmitsburg District, Frederick County, Maryland, consisting of a house and lot in the Town of Emmitsburg, known and designated as Nos. 19 and 21 West Main Street, and of a farm on the Keysville Road containing 180 acres of land, more or less, both parcels having been conveyed to the said Marie Celeste Welty by James E. Elder and wife by deed dated the 7th day of October, 1905, and recorded in Liber D.H.H. No. 11, folio 302, one of the land records of Frederick County, certified copy of said deed being filed herewith, prayed to be taken as a part hereof and marked "Complainants' Exhibit No. 1".

FOURTH: That on or about the 7th day of October, 1905, the said M. Celeste Welty did execute a paper writing purporting to convey to the said J. Bernard Welty, her husband, an undivided one-half interest in the two parcels above described, "to have and to hold said undivided half interest with myself as joint tenants and not as tenants in common", such deed being recorded in Liber 271, folio 299, one of the land records of Frederick County, certified copy of said deed being filed herewith, prayed to be taken as a part hereof and marked "Complainants' Exhibit No. 2".